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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,495	03/01/2004	Paul J. Wehrenberg	APL1P299/P3222	1871
22434	7590	11/03/2005	EXAMINER NGUYEN, HUNG T	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,495

Applicant(s)

WEHRENBURG, PAUL J.

Examiner

HUNG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/1/04 & 10/14/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6-9, 12 & 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miranda-Knapp (U.S. 6,940,407).

Regarding claim 1, Miranda-Knapp discloses a device system for detecting loss and location of portable communication device as a cellular phone (10) [figs.1,3, col.2, 43-57] comprising:

- a motion sensor in a form of accelerometer (20) is attached to the cellular phone (10) for tracking the location of the phone [fig.1, col.2, lines 52-57];
- the cellular phone having alarm signal as an audio speaker (21) and visual signal / display (22) for providing alarm signals as detecting by the motion sensor (20) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];
- a controller in a form of processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the loss or moved to a location outside a "safe zone" [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Although, the reference of Miranda-Knapp does not specifically mention theft prevention for the portable electronic device as claimed by the applicant.

However, those skilled in the art will recognize that the device for **detecting loss** or misplace and also **moved to a location outside a “safe zone”** is disclosed by Miranda-Knapp can be used as theft / stolen prevention as desired [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Miranda-Knapp Murray for monitoring and detecting the portable electronic device at all time away from unauthorized persons.

Regarding claim 4, Miranda-Knapp discloses the motion sensor in a form of accelerometer (20) is attached to the cellular phone (10) for tracking the location of the phone [fig.1, col.2, lines 52-57];

- the cellular phone having alarm signal as an audio speaker (21) and visual signal / display (22) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];
- the processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the **loss or moved to a location outside a “safe zone” / theft is tampering to the phone (10)** [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Regarding claims 6-8, Miranda-Knapp discloses the cellular phone (10) having alarm signals as an audio speaker (21) and visual signal / display (22) for providing the alarm

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signals as detecting by the motion sensor (20) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];

- the processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the loss or moved to a location outside a "safe zone" [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Regarding claim 9, Miranda-Knapp discloses a device system for detecting loss and location of portable communication device as a cellular phone (10) [figs.1,3, col.2, 43-57] comprising:

- a cellular phone (10) having a housing for holding and covering semiconductor components is inherently [fig.1];
- a motion sensor in a form of accelerometer (20) is attached to the cellular phone (10) for tracking the location of the phone [fig.1, col.2, lines 52-57];
- the cellular phone having alarm signal as an audio speaker (21) and visual signal / display (22) for providing alarm signals as detecting by the motion sensor (20) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];
- a controller in a form of processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the loss or moved to a location outside a "safe zone" [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Although, the reference of Miranda-Knapp does not specifically mention theft prevention for the portable electronic device as claimed by the applicant.

However, those skilled in the art will recognize that the device for **detecting loss** or misplace and also **moved to a location outside a “safe zone”** is disclosed by Miranda-Knapp can be used as theft / stolen prevention as desired [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Miranda-Knapp Murray for monitoring and detecting the portable electronic device at all time away from unauthorized persons.

Regarding claims 12 & 14-18, Miranda-Knapp discloses the cellular phone (10) having alarm signals as an audio speaker (21) and visual signal / display (22) for providing the alarm signals as detecting by the motion sensor (20) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];

- the processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the loss or moved to a location outside a “safe zone” [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

3. Claims 2-3 & 10-11 & 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miranda-Knapp (U.S. 6,940,407) further in view of Lace et al. (U.S. 5,831,530).

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Regarding claims 2-3, The reference of Miranda-Knapp does not specifically mention the controller having a frequency filter as low pass filter as claimed by the applicant.

However, Lace teaches technique of using a low pass filter (120) is controlled by a control circuit (122) for filtering other unwanted frequency signals in an electronic circuit device [figs.7,9, col.6, lines 10-23].

Therefore, it would have been obvious to one having ordinary skill in the art to use the teaching of Lace includes frequency filter device in the system of Miranda-Knapp for controlling & filtering only the low pass frequency has been programmed.

Regarding claims 10-11, The reference of Miranda-Knapp does not specifically mention the controller having a frequency filter as low pass filter as claimed by the applicant.

However, Lace teaches technique of using a low pass filter (120) is controlled by a control circuit (122) for filtering other unwanted frequency signals in an electronic circuit device [figs.7,9, col.6, lines 10-23].

Therefore, it would have been obvious to one having ordinary skill in the art to use the teaching of Lace includes frequency filter device in the system of Miranda-Knapp for controlling & filtering only the low pass frequency has been programmed.

Regarding claims 19 & 24, Miranda-Knapp discloses a method for detecting loss and location of portable communication device as a cellular phone (10) [figs.1,3, col.2, 43-57] comprising:

- a motion sensor in a form of accelerometer (20) is attached to the cellular phone (10) for tracking the location of the phone [fig.1, col.2, lines 52-57];
- the cellular phone having alarm signal as an audio speaker (21) and visual signal / display (22) for providing alarm signals as detecting by the motion sensor (20) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];
- a controller in a form of processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the loss or moved to a location outside a "safe zone" [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

The reference of Miranda-Knapp does not specifically mention theft prevention for the portable electronic device and frequency filter module as claimed by the applicant.

However, those skilled in the art will recognize that the device for **detecting loss** or misplace and also **moved to a location outside a "safe zone"** is disclosed by Miranda-Knapp can be used as theft / stolen prevention as desired [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Miranda-Knapp for monitoring and detecting the portable electronic device at all time away from unauthorized persons.

The reference of Miranda-Knapp is still missing frequency filter module as claimed by the applicant.

Furthermore, Lace teaches technique of using a low pass filter (120) is controlled by a control circuit (122) for filtering other unwanted frequency signals in an electronic circuit device [figs.7,9, col.6, lines 10-23].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Lace includes frequency filter device in the system of Miranda-Knapp for controlling & filtering only the low pass frequency has been programmed.

Regarding claims 20-23, Miranda-Knapp discloses the cellular phone (10) having alarm signals as an audio speaker (21) and visual signal / display (22) for providing the alarm signals as detecting by the motion sensor (20) [figs.1,5, col.2, lines 61-67, col.3, lines 15-21 and col.4, lines 50-56];

- the processor (16) couple to the motion sensor (20) is secured to the cellular phone (10) for monitoring the loss or moved to a location outside a "safe zone" [figs.1,5, col.2, lines 33-67 and col.3, lines 2-21].

4. Claims 5 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miranda-Knapp (U.S. 6,940,407) further in view of D'Angelo et al. (U.S. 6,133,830).

Regarding claims 5 & 13, The reference of Miranda-Knapp do not specifically mention the controller unit having a sleep mode as claimed by the applicant.

D'Angelo teaches a sleep mode function which is controlled by a microprocessors (27,32) for reducing power supply requirement [col.8, lines 49-53].

Therefore, it would have been obvious to one having ordinary skill in the art to use the teaching of D'Angelo includes a sleep mode feature in the system of Miranda-Knapp for controlling & saving the power supply and extending battery life.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Choi (U.S. 5,317,304) Programmable microprocessor based motion-sensitive alarm.
- Andrews (U.S. 5,757,271) Portable computer and method of providing security for an electronic device.
- McDonald (U.S. 6,172,607) Portable theft alarm.
- Budge et al. (U.S. 6,359,560) Computer system with motion triggered alarm procedure.
- Huang (U.S. 6,559,767) Vibration sensing Alarm device.

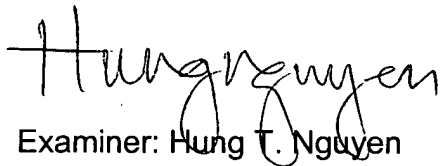
6. examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Hung Nguyen", written over the printed name.

Examiner: Hung T. Nguyen

Date: Oct. 27, 2005